

Appl. No. 10/015,241
Amdt. dated 09/28/2004
Reply to Office Action of 08/09/2004

REMARKS

Claims 1, 2, 4, 5, 7 - 33 are pending in the present Application. In the above-identified Office Action, Claims 7 - 10, 13, 16 - 19 and 33 were rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 7, 8, 13, 16, 19, 24, 27, 30 and 33 were rejected under 35 U.S.C. §103 as being unpatentable over St. Pierre et al. in view of Cox et al. Claims 1, 2, 4, 5, 11, 12, 14, 15, 20 - 23, 25, 26, 28, 29, 31 and 32 were allowed and Claims 9, 10, 17 and 18 were indicated as allowable if rewritten and/or amended to overcome all the technical rejections made thereto as well as to include all the limitations of the base claim and any intervening claims.

Applicants traverse the technical rejections made to Claims 7 - 10, 13, 16 - 19 and 33. As regard to Claim 7, the Examiner stated that the scope of the language of "determining whether the data is to be read from a storage system that is incompatibly formatted with the storage systems that the computer system ordinarily uses" is not clear since it may mean "(1) determining whether the data is to be read from a storage system which may (i.e., incidentally) be incompatible with the storage system that the computer system ordinarily uses or (2) the determining step also determines that the storage system is incompatible with the storage systems that the computer system ordinarily uses."

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The function of this element in the claim is to determine whether the data is to be converted before it is forwarded to the computer system for use. Thus, whether or not the data is read from a storage system which may incidentally be incompatible with the storage systems that the computer ordinarily uses is irrelevant and/or inconsequential. The fact remains that such an occurrence will be detected. Once detected, the data will be converted before it is sent to the computer system for use.

Further, the Examiner stated that the use of the language "incompatibly formatted with" in Claims 7, 13 and 16 is unclear because the "language suggests that it is talking about a means of formatting as opposed to the activity of comparing the kind of formatting of the two storage systems." (Emphasis added.)

Applicants fail to understand this objection. Specifically, Applicants are not sure what is meant by "a means of formatting" as opposed to "activity of comparing" in the context of the claim. Notwithstanding the failure to understand the objection, Applicants believe that whether or not the determining step is done by comparison or by any other means is irrelevant and/or inconsequential so long as it occurs.

Lastly, the Examiner stated that the term "code data" in Claims 17 - 19 and 33 is unclear as to its scope of meaning since it not a standard term in the computer art and it was not defined in the Specification or the claims. Applicants respectfully disagree.

It is very well known in the computer art that all information used by a computer system is data. It is also

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very well known in the computer art that there are basically two kinds of data: (1) data on which a computer operates (or plain old data); and (2) data that tells the computer what to do (or instruction code data). Therefore, it would be obvious to anyone in the field of computer art that the term "code data" is "instruction code data."

In response to the \$103 rejections, Applicants have amended Claim 7 to include the limitations of Claims 8 and 9. Consequently, Claims 8 and 9 are canceled and amended Claim 7 becomes Claim 9 in its independent form. Claim 10 is amended to change its dependence from canceled Claim 9 to amended Claim 7. Further, Applicants have canceled Claims 13, 16, 19, 24, 27, 30 and 33.

Applicants believe that the claims in the Application are now in proper form for allowance. Hence, reconsideration, allowance and passage to issue are respectfully requested.

Respectfully submitted,
Fought et al.

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